

**THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

Before Commissioners:                    Andrew J. French, Chairperson  
   Dwight D. Keen  
   Annie Kuether

In the Matter of the Application of Nex-    )  
Tech, LLC for an Order Confirming        )  
Relinquishment of its Eligible            ) Docket No. 24-NTHT-589-ETC  
Telecommunications Carrier                )  
Designation in Specified Census Blocks   )

**ORDER APPROVING NEX-TECH’S APPLICATION FOR RELINQUISHMENT OF  
ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION IN SPECIFIED  
AREAS**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (“Commission”) for consideration and determination. Having examined its files and records, the Commission finds and concludes:

**I.       PROCEDURAL HISTORY**

1.       On February 23, 2024, Nex-Tech, LLC (“Nex-Tech”) filed an Application in the above-captioned docket requesting approval to relinquish its Eligible Telecommunications Carrier (“ETC”) Designation in 240 census blocks in its Abeline local exchange service area, as specified in Exhibit A to Nex-Tech’s Application.<sup>1</sup>

2.       On March 7, 2025, Nex-Tech filed an Amended Application to add 2 census blocks to the 240 census blocks referenced in its February 23, 2024, relinquishment request.<sup>2</sup> Nex-Tech filed an Exhibit B with its Amended Application, which contains the complete list of the 242

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<sup>1</sup> Nex-Tech, LLC Application (Feb. 23, 2024) (“Application”).

<sup>2</sup> Amendment to Application of Nex-Tech, LLC For an Order Confirming Relinquishment of its Eligible Telecommunications Carrier Designation (March 7, 2025) (“Amended Application”).

census blocks where Nex-Tech requests relinquishment and is intended to replace Nex-Tech's Exhibit A.

3. On March 3, 2025, Commission Staff ("Staff") filed its Report and Recommendation ("R&R") regarding Nex-Tech's initial Application.<sup>3</sup> On March 11, 2025, after review of Nex-Tech's Amended Application, Staff filed an Amended R&R.<sup>4</sup> Staff ultimately recommended the Commission find that (1) the census blocks in question are indeed served by at least one other ETC; and (2) all customers currently served by Nex-Tech will continue to be adequately served.<sup>5</sup> Therefore, Staff recommended the Commission grant Nex-Tech's request to relinquish its ETC designation for high-cost purposes in the 242 census blocks in the Abeline local exchange area listed in Nex-Tech's Exhibit B.<sup>6</sup>

## **II. APPLICATION TO RELINQUISH ETC DESIGNATION IN SPECIFIED AREAS**

4. Nex-Tech's Application requests to relinquish its ETC designation in certain portions of Kansas.<sup>7</sup> Pursuant to 47 U.S.C. § 214(e)(1), a carrier must be designated by the state commission as an ETC to be eligible to receive federal and state universal service funding.<sup>8</sup>

5. The federal and Kansas Telecommunication(s) Act(s) of 1996 established the Federal Universal Service Fund ("FUSF") and the Kansas Universal Service Fund ("KUSF"), respectively, to provide financial support to ETCs to offer "high cost" services, including constructing and maintaining networks in rural and other high-cost areas, and funding for the

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<sup>3</sup> Report and Recommendation, Utilities Division, Docket No. 24-NTHT-589-ETC (March 3, 2025).

<sup>4</sup> Amended Report and Recommendation, Utilities Division, Docket No. 24-NTHT-589-ETC (March 11, 2025) ("Staff's R&R" or "R&R").

<sup>5</sup> *Id.* at p. 6.

<sup>6</sup> *Id.*

<sup>7</sup> Nex-Tech Application.

<sup>8</sup> Staff's R&R, p. 2.

Lifeline Assistance Program (“Lifeline”).<sup>9</sup> Lifeline is a service offered to low-income consumers, which provides a discount on their monthly local telephone bill so the service is more affordable.<sup>10</sup>

6. As detailed in Staff’s R&R, the Commission has granted several Nex-Tech applications to relinquish its ETC designation in certain census blocks over the course of Nex-Tech’s history as a carrier in Kansas.<sup>11</sup>

7. Nex-Tech currently requests to relinquish its ETC designation in 242 census blocks in the Abeline exchange in Dickinson County, Kansas, as identified in Nex-Tech’s Exhibit B, included as Exhibit B to Staff’s R&R.

8. Nex-Tech represented that its relinquishment request: 1) is based on changes in both federal and state high-cost support in the Abeline exchange census blocks;<sup>12</sup> 2) will not adversely affect the ability of other ETCs to participate in state or federal universal service programs, or state or federal Lifeline programs;<sup>13</sup> and 3) will not adversely affect any existing customers, as Nex-Tech will continue to offer services to customers in the relinquished areas of the Abeline exchange.<sup>14</sup>

### III. ANALYSIS AND FINDINGS

9. The Commission’s jurisdiction and standard for approving ETC designation relinquishment is found in 47 U.S.C. § 214(e)(4):

A State Commission... shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier **in any area served by more than one eligible telecommunications carrier**. An eligible telecommunications carrier that seeks to relinquish its eligible telecommunications carrier designation for an area served by more

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<sup>9</sup> *Id.* (“The FUSF provides support through four programs, including the high-cost program, which provides funding to carriers to ensure that residents in high-cost areas have access to reasonably comparable service at rates reasonably comparable to urban areas, and the Lifeline program, which assists low-income consumers by providing a discount on their monthly local telephone charges so that telephone service is more affordable”).

<sup>10</sup> *Id.*

<sup>11</sup> *See* Staff R&R, p. 3.

<sup>12</sup> Nex-Tech Application, p. 2.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

than one eligible telecommunications carrier shall give advance notice to the State Commission... of such relinquishment. Prior to permitting a telecommunications carrier designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, **the State Commission... shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the relinquishing carrier will continue to be served...** (emphasis added).<sup>15</sup>

10. Therefore, the Commission must determine that the proposed Relinquishment Area will be served by at least one other ETC, and that customers in the Relinquishment Area will continue to be served with high-cost or Lifeline-only service(s) by an ETC. The Commission finds that it has jurisdiction over Nex-Tech as a telecommunications carrier providing competitive local exchange services pursuant to its Certificate of Convenience and Authority issued by the Commission.<sup>16</sup>

11. The Commission finds that the recommendations contained in Staff's March 11, 2025, R&R are reasonable and adopts the same.

12. The Commission finds that there is at least one high-cost ETC that can provide high-cost support to customers in the proposed Relinquishment Area, consistent with the requirements of 49 U.S.C. § 214(e)(4). Resound Networks, LLC ("Resound") and Mercury Wireless Kansas, LLC d/b/a Mercury Broadband ("Mercury Broadband") operate under ETC authority in the census block pursuant to Dockets No. 21-RNWT-254-ETC and 21-MWKT-258-ETC, respectively.

13. The Commission finds that all customers currently served by Nex-Tech will continue to be adequately served with high-cost or Lifeline-only service(s) by an ETC, consistent with the requirements of 49 U.S.C. § 214(e)(4).

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<sup>15</sup> See also, 47 C.F.R. § 54.205 and K.S.A. 66-2006. Further, the Commission's jurisdiction to administer the Lifeline service is also contained in K.S.A. 66-2005(z)(3)(C).

<sup>16</sup> See Application, p. 1.

14. The Commission concludes that Nex-Tech's Amended Application meets the requirements of 49 U.S.C. § 214(e)(4) for relinquishment of its ETC designation.

**THEREFORE, THE COMMISSION ORDERS:**

A. Nex-Tech's request for ETC relinquishment in the specified 242 census blocks in the Relinquishment Area is granted, as specified in Exhibit B to Staff's R&R.

B. Nex-Tech shall serve this Order to the ETCs in the Relinquishment Area within 14 days of this Order being issued and will file an Affidavit in this Docket confirming this notice was given.

C. The parties have 15 days from the date of electronic service of this Order to file a petition for reconsideration.<sup>17</sup>

**BY THE COMMISSION IT IS SO ORDERED.**

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

03/25/2025

Dated: \_\_\_\_\_



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Abigail D. Emery  
Acting Secretary to the Commission

CRM/MKH

<sup>17</sup> K.S.A. 66-118b; K.S.A. 77-529(a)(1).

**CERTIFICATE OF SERVICE**

24-NTHT-589-ETC

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 03/25/2025.

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